IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11465 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARJANBHAI BHOJABHAI SHUVA

Versus

DY EXECUTIVE ENGINEER

Appearance:

1. Special Civil Application No. 11465 of 2000

MR MD RANA for Petitioner No. 1-2

MR ND GOHIL, LD.AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/09/2004

ORAL JUDGEMENT

1. The petitioners by way of this petition have prayed for quashing and setting aside the impugned communication dated 1st June, 2000, depriving the

petitioners of their right to get the pensionary benefits even though they have completed 10 years of service with respondents. This Court by order dated 12.7.2004 passed the following order:

"Mr.M.B.Pankania on behalf of the respondent no.1 states that they have forwarded the order dated 2nd August 2003 of this Court on 23rd August 2003 to respondent no.3. In spite of that the respondent no.2 has not decided the same.

The respondent no.3 shall remain personally present before this Court on 28th July 2004 to show cause as to why contempt proceedings should not be initiated against him for non-compliance of the order dated 2nd August 2003 passed in C.A. No.5204/2003 in SCA No.11465/2000 which was already forwarded to him as mentioned above, keeping in mind the judgment reported in 1998(2) GLH page 1 and also the order passed in Special Civil Application No.11355/2002. It is open for the respondent to take a decision in the matter in view of the above decisions by next date. S.O. to 28th July 2004."

2. Pursuant to the same, the respondents have fixed the pension of the petitioners by order dated 22nd July, 2004.

3. Mr.Rana, learned advocate for the petitioners submitted that they have not calculated the interest from the date on which they were entitled. In my view, the petitioners are entitled to interest at the rate of 9% p.a. as per their own Government Resolution and the respondents are directed to pay interest at the rate of 9% p.a. till the payment is made.

4. The second contention which has been made by the learned advocate for the petitioners that the petitioners are also entitled for revised pay-scale. In view of the claim of the petitioner the Government has implemented and granted all prayers which has sought by the petitioners and, therefore, in that view of the mater, no further prayer is required to be granted in this behalf. More particular petitioners were daily wager and benefits which was required to be granted by Government is also granted, no revision of pay scale be considered in this petition. Rule is made absolute to the aforesaid extent. No order as to costs.

(K.S. Jhaveri, J.)

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